

# EXHIBIT A

**Exhibit A (Declaration by A. Ricigliano)**

**ANTHONY RICIGLIANO**

President, Donato Music Services, Inc. & Music Research Consultants

Mr. Ricigliano has prepared musical analyses and assisted in the preparation of court cases for numerous legal firms and has testified on behalf of recording companies, music publishers, recording artists and composers, motion picture companies and advertising agencies in a variety of musical copyright disputes.

Mr. Ricigliano taught at the Manhattan School of Music for 31 years and held the post of Chairman of the Theory Department from 1979 until his retirement in May 2000. He has a Master of Music degree from the Manhattan School of Music and has also taught in various public and private schools as well as at the Juilliard School of Music.

In addition, he has authored two books on contemporary music: *Popular and Jazz Harmony* and *Melody and Harmony In Contemporary Songwriting*.

The cases for which he has testified in court as an expert witness are:

***For the Defendant:***

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- (1980) *Soul On Your Side* v. *Disco Nights* (Arista records)
- (1988) *Just Another Night* (Patrick Alley) v. *Just Another Night* (Mick Jagger)
- (1991) *Es* v. *Hey* (Julio Iglesias/Sony Music Entertainment, Inc.)
- (1991) *Somebody, You & Me* (Thompson, et al.) v. *Stuck On You, Deep River Woman, & SeLa* (Lionel Richie, et al.)
- (1992) *I'll Be Your Everything* (G. Soule/Northside Partners) v. *I'll Be Your Everything* (J. Knight, D. Wood, ["New Kids On The Block"], T. Page/ Warner Bros. Records)
- (1993-4) *Run On Manchild, What Will Become Of The Children, Happy Go Lucky Girl, v. Thriller, We Are The World, Girl Is Mine* (Michael Jackson, Lionel Richie, Rod Temperton & Quincy Jones)
- (1994) *Dangerous* v. *Dangerous* (Michael Jackson)
- (1994) *Love Is A Wonderful Thing* (Isley Brothers) v. *Love Is A Wonderful Thing* (Michael Bolton & Andy Goldmark)
- (1995) *Movin' On* v. *Keep On Movin'* (Soul II Soul/Jazzie B)
- (1996) *I Cigni di Balaka* v. *Will You Be There* (Michael Jackson) in Rome, Italy

***For the Plaintiff:***

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- (1987) *Pour Toi* (Gaste) v. *Feelings* (Kaiserman)
- (1988) *You Can't Always Get What You Want* (ABKCO Music) v. Volvo (Scali McCabe)

Mr. Ricigliano has worked on copyright claims/issues representing other recording artists or groups including: Gloria Estefan, Madonna, Mariah Carey, Prince, Kiss, Led Zeppelin, ZZ Top, Sting, Bob Dylan, Kenneth "Babyface" Edmonds, Billy Joel, Hammer, Orville "Shaggy" Burrell, R. Kelly, The Rolling Stones, Aerosmith, Guns & Roses, Deana Carter, Mystikal, Alanis Morissette, Stevie Wonder, Kid Rock, Lenny Kravitz, Alicia Keys, Ja Rule, etc.

**Recent Depositions**

In February 2004 Mr. Ricigliano was deposed in *Caragol v. Jackson et al.* involving the compositions *The Village Grist Mill* by Gary Gerth, Ted Caragol and Dona Caragol and the composition *Doesn't Really Matter* by James Harris III, Terry Lewis and Janet Jackson.

In November 2003 Mr. Ricigliano was deposed in *Lil' Joe Wein Music, Inc., and Lil' Joe Records, Inc., v. Strictly Rhythm Records, Inc., d/b/a/ Astral Werks Records, Inc., and d/b/a/ Skint Records, Sony Music Entertainment, Inc., Columbia Pictures Industries, Inc., Universal Music Publishing, Inc., and Columbia Tri-star Home entertainment, Inc.*, United States District Court Southern District of Florida concerning the compositions *Shake Whatch' Mama Gave Ya'* by Poison Clan v. *Shake Whatcha' Mama Gave Ya'* by Stik-E and the Hoods and *Ya Mama* by Fat Boy Slim.

In April 2003 Mr. Ricigliano was deposed in *Cottrill and Wnokowski v. Britney Spears, Zomba, Jive Records, Wright Entertainment and BMG Music Publishing Civil Action No. 02 CV 3646.* United States District Court Eastern District of Pennsylvania concerning the compositions *What You See Is What You Get v. What U See (Is What U Get)* and *Can't Make You Love Me*.

In August 2002 Mr. Ricigliano was deposed in *Cooper v. Sony Music Entertainment, et al.*, Civil Action No. 01-0941, Southern District of Texas concerning the compositions *Boys Night Out* and *Bounce With Me* (by Jermaine Dupre et al.).

In January 1999 Mr. Ricigliano was deposed in *Darryl Lemon, a.k.a. D'Maurice, Plaintiff (Never Live Without Your Love) v. Prince Roger Nelson, a.k.a. The Artist Formerly Known As Prince, et. al (I Hate You)*. Case NO C97-1330C United States District Court Western District of Washington at Seattle.

**Rates and Fees**

*(For the individual services of Anthony Ricigliano as musicologist)*

For initial comparison, analysis and verbal report regarding possible infringement issues between two commercially released songs or musical works – \$500\*

\*NOTE: Should printed music or lead sheets not be available or supplied, there will be an additional fee to provide the necessary transcriptions for proper analysis. This fee varies according to the length and complexity of the works to be transcribed. However, the fee generally ranges between \$150 and \$200 for the transcription of the relevant portions of two songs.

For specific requested research, written reports, preparation of charts and other expert services the rate is – \$300 per hour

Depositions \$2,600 per day  
or \$1,500 for partial day  
(plus travel and expenses\*)

For courtroom appearances and testimony – \$2,600 per day  
or \$1,500 for partial day  
(plus travel and expenses\*)

\*travel expenses include business class airline ticket (for flights over 2 hours)  
-plus travel day fee of \$900 per day and food allowance \$80.00 per day